

Appl. No. 10/060124
Amdt. Dated Feb. 9, 2004
Reply to Office Action of Oct. 9, 2003
Pickering Declaration

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE THE APPLICATION OF
APPLICANTS: Jeffery S. Pickering and
Ben K. Van Buskirk
SERIAL NUMBER: 10/060,124
FILED: January 28, 2002
FOR: DAO BOARD GAME AND METHOD
OF PLAY

GROUP ART UNIT: 37143700
EXAMINER: Alex Rada

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RULE 132 DECLARATION OF JEFFERY S. PICKERING

I, Jeffery S. Pickering, do hereby declare that I am a co-inventor of the board game and method of playing the board game that is disclosed in the U.S. Utility Patent Application having the serial number 10/060,124. I also hereby declare that I am the owner of the Play Dao website that was cited in an office action for the above referenced application.

I established the Play Dao web site and placed it on line in December of 1999. When I first placed the web site on line, it contained no information disclosing the board game that is the subject of the above referenced application. In May of 2000, I established the "About Dao" link on the web site and added information concerning the playing area, the number of playing positions, the number of playing pieces, and the rules of the game to the web site at that time.

FEB-9-2004 11:47A FROM: GARRISON AND ASSOCIATES 2064417362

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P: 3

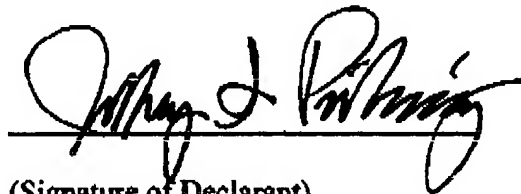
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In July of 2001 the issue of Abstract Games Magazine containing the Handscomb review of the board game that is the subject of the above referenced application went on sale. The link to the Handscomb review was placed on the web site after the magazine went on sale.

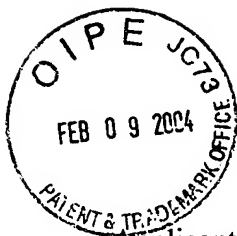
In October of 2001, the PLAY ON-LINE version of the game was placed on the web site. Prior to October of 2001, the web site had no reference to playing the game on a computer.

I further declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed by me on February 9, 2004 at LOPEZ ISLAND, Washington.

Jeffery S. Pickering



(Signature of Declarant)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeffery S. Pickering and Ben K. Van Buskirk Filing Date: Jan. 28, 2002
Title: **DAO BOARD GAME AND METHOD OF PLAY** Group Art: 3714
Serial No.: 10/060,124 Examiner: Alex Rada
Docket No.: DAO 101 Date: Feb. 9, 2004

Mail Stop Amendment, Fee
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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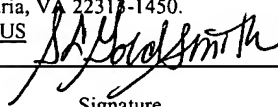
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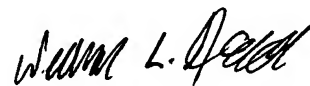
Transmitted herewith are the following documents for filing in the above-identified application:

1. Amendment and Declaration (13 pages);
2. Petition for One-Month Extension of Time (2 pages);
3. Visa Credit Card Authorization Form PTO2038 (1 page); and
4. Return Receipt Postcard.

Please charge any deficit or credit any overpayment in fees to Deposit Account No. 50-0684, Customer No. 20,482.

Respectfully submitted,
Garrison & Associates PS

CERTIFICATE OF MAILING	
I hereby certify that this correspondence (and any correspondence being indicated as attached or enclosed) is being <input checked="" type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as Express Mail in an envelope addressed to: Mail Stop Amendment, Fee, Commissioner for Patents, Alexandria, VA 22313-1450.	
Express Mail No.: <u>EV 177209362 US</u>	
on <u>February 9, 2004</u>	
Date <u>Stacia Goldsmith</u>	Signature


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